

**Notice of Allowability**

Application No.

10/506,449

Applicant(s)

KATOH ET AL.

Examiner

Art Unit

Helene Klemanski

1755

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *oath or declaration filed Jne 16, 2005.*
2. ☒ The allowed claim(s) is/are *1-25.*
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date *10/18/04*
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Helene Klemanski*  
HELENE KLEMANSKI  
PRIMARY EXAMINER  
GROUP 1700

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The references cited in the Search Report dated May 27, 2003 have been considered.

## **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

On page 5, line 9, the term "Claim" has been replaced with the term "item".

Also on page 5, the sixth line after the formula (1), the term "Claim" has been replaced with the term "item".

On page 6, line 3, the term "Claim" has been replaced with the term "item".

Also on page 6, line 11, the term "Claim" has been replaced with the term "item".

Also on page 6, line 15, the term "Claims" has been replaced with the term "items".

Also on page 6, line 18, the term "Claims" has been replaced with the term "items".

Lastly on page 6, line 24, the term "Claim" has been replaced with the term "item".

Art Unit: 1755

On page 7, line 2, the term "Claim" has been replaced with the term "item".

Also on page 7, line 5, the term "Claims" has been replaced with the term "items".

Also on page 7, line 12, the term "Claims" has been replaced with the term "items".

Also on page 7, line 13, the term "Claim" has been replaced with the term "item".

Also on page 7, line 17, the term "Claim" has been replaced with the term "item".

Also on page 7, line 21, the term "Claims" has been replaced with the term "items".

Lastly on page 7, line 24, the term "Claims" has been replaced with the term "items".

On page 8, line 2, the term "Claims" has been replaced with the term "items".

Also on page 8, line 7, the term "Claims" has been replaced with the term "items".

Also on page 8, line 8, the term "Claim" has been replaced with the term "item".

Also on page 8, line 12, the term "Claims" has been replaced with the term "items".

Also on page 8, line 14, the term "Claim" has been replaced with the term "item".

Also on page 8, line 16, the term "Claims" has been replaced with the term "items".

Lastly on page 8, line 25, the term "Claim" has been replaced with the term "item".

In claim 2, the first line after the formula, the left parenthesis has been deleted.

Art Unit: 1755

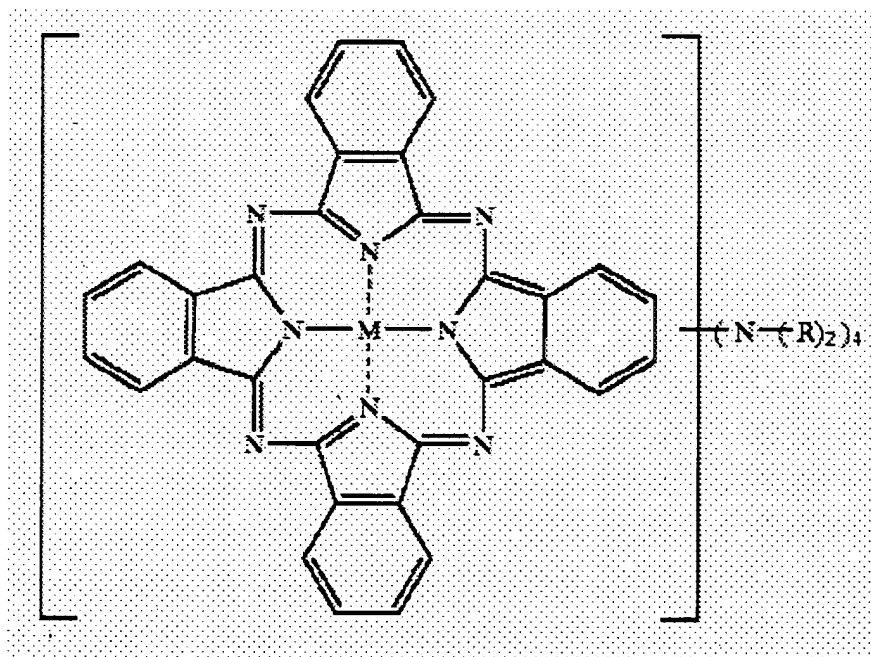
Also in claim 2, the first line after the formula, the term "shows" has been replaced with the term "represents".

Also in claim 2, the fourth line after the formula, the term "shows" has been replaced with the term "represents".

Lastly in claim 2, the fourth line after the formula, the right parenthesis has been deleted.

### Reasons For Allowance

3. The following is an examiner's statement of reasons for allowance: This application teaches a metal phthalocyanine or a salt thereof having both acylamino group(s) and carboxyethylamino group(s) as substituents on the phthalocyanine ring and an ink composition containing the above phthalocyanine compound. The phthalocyanine compound is of the formula



Art Unit: 1755

wherein each R independently represents a carboxyethyl group, an acyl group or a hydrogen atom, provided that at least one of them is an acyl group and at least one of them is a carboxyethyl group and M represents a metal atom. The closest prior art of record is U.S. Patent No's. 6,589,325 and 2,266,404, issued to Katoh et al. and Bienert et al. respectively and EP 1174432. Katoh et al. and EP 1174432 both teach a phthalocyanine compound containing a carboxyethylamino group but fail to teach or fairly suggest that an acylamino group may also be present on the phthalocyanine nucleus. Bienert et al. teach a phthalocyanine compound containing an acyl amino group but fail to teach or fairly suggest that a carboxyethylamino group may also be present on the phthalocyanine nucleus. It is the examiner's position that it would not have been obvious to one of ordinary skill in the art to have added the acylamino group of Bienert et al. to the phthalocyanine nucleus of Katoh et al. or EP 1174432 (and vice versa) since none of the above references teach or fairly suggest a phthalocyanine nucleus containing both a carboxyethylamino group and an acylamino group as claimed by applicants. Accordingly, this application is allowable.

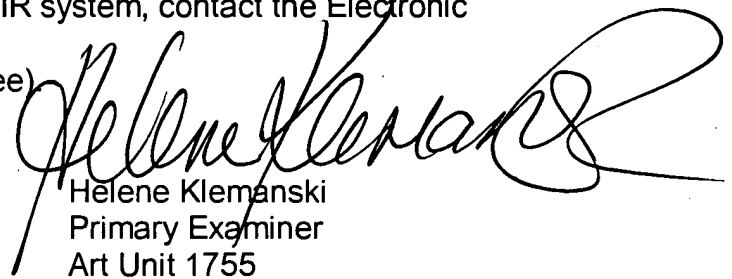
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

Art Unit: 1755

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helene Klemanski  
Primary Examiner  
Art Unit 1755



HK  
October 3, 2005